

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DAVID LEE A. WILLIAMS,  
Plaintiff,**

**v.**

**Case No. 06C597**

**DR. GABNER, MEDICAL FEDERATION,  
and JOHN DOES,  
Defendants.**

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**ORDER**

Plaintiff David Lee A. Williams, who is proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 and requested leave to proceed in forma pauperis. Pursuant to the Prison Litigation Reform Act, plaintiff is required to pay the statutory filing fee of \$350.00 for this action. See 28 U.S.C. § 1915(b)(1).

By order dated May 19, 2006, plaintiff was ordered to forward to the clerk of court within 21 days the sum of \$4.20 as an initial partial filing fee in this action. Plaintiff was advised that, upon payment of this fee, the court would determine whether the action can proceed in forma pauperis. To date plaintiff has not paid this partial filing fee. From this failure to pay the initial filing fee this court infers that plaintiff no longer wants to prosecute this action. Therefore, the court will dismiss this case without prejudice.

Therefore,

**IT IS ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

**IT IS FURTHER ORDERED** that this dismissal will not be counted as a "strike" under 28 U.S.C. § 1915(g).

**IT IS ALSO ORDERED** that copies of this order be sent to the warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin, this 5 day of September, 2006.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge